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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,255	07/30/2003	Clyde A. Fawcett	02042US	9398
7590	07/30/2004		EXAMINER	
Rodel Holdings, Inc. Suite 1300 1105 North Market Street Wilmington, DE 19899			NGUYEN, GEORGE BINH MINH	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/630,255	FAWCETT ET AL.
	Examiner George Nguyen	Art Unit 3723
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input type="checkbox"/> Responsive to communication(s) filed on ____.		
2a) <input type="checkbox"/> This action is <b>FINAL</b> .                            2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-10</u> is/are pending in the application.		
4a) Of the above claim(s) ____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) ____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-8 and 10</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) <u>9</u> is/are objected to.		
8) <input type="checkbox"/> Claim(s) ____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on ____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).		
11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		
<b>Priority under 35 U.S.C. § 119</b>		
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All    b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
<b>Attachment(s)</b>		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10032000</u> .		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: ____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: ____.		

## DETAILED ACTION

Receipt is acknowledged of the IDS filed on October 31, 2003.

Claims 1-10 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art.

With reference to Figure 1, page 3, 2<sup>nd</sup> and 3<sup>rd</sup> paragraph, Applicant disclosed that by removing 4-6mils (D1) from the top surface 15 of porous substrate 6, a pore count of 100 to 325 is obtained.

From Figure 1 admitted as Prior Art, it is inherently clear to one skill in the art at the time the invention was made that a higher pore count would have been obtained if only a distance D2 of .5 to 1.5 mils are removed from the top of surface 15. And thus a lower surface roughness is obtained or a smoother surface is obtained because of more pores present. Please note the test result would have been expected.

Regarding to claim 10, the step of conditioning a polishing pad during or after polishing a wafer is a well-known procedure in order to refurbish the condition of the polishing pad to obtain a uniform polishing condition.

***Allowable Subject Matter***

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sevilla et al.'532 and '968 all disclose porous polishing pad with surface roughness between 1-50 micrometer, pore volume from 15-70%. Anjur et al.'000 and Chechik et al.'114 discloses porous polishing pad.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Nguyen whose telephone number is 703-308-0163. The examiner can normally be reached on Monday-Friday/630AM-300PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GEORGE NGUYEN  
PRIMARY EXAMINER

George Nguyen  
Primary Examiner  
Art Unit 3723

GN – July 29, 2004